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*Attorneys for Plaintiff METROPOLITAN LIFE
INSURANCE COMPANY*

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

METROPOLITAN LIFE INSURANCE
COMPANY, a New York corporation,

Plaintiff,

v.

ACDF, LLC, a California limited liability
company, as successor by merger to 104
PARTNERS, LLC; WILLOW AVENUE
INVESTMENTS, LLC, a California limited
liability company; ASHLAN & HAYES
INVESTMENTS, LLC, a California limited
liability company; GRANTOR FRESNO
CLOVIS INVESTMENTS, LLC, a California
limited liability company; MARICOPA
ORCHARDS, LLC, a California limited
liability company; FARID ASSEMI, an
individual; FARSHID ASSEMI, an individual;
DARIUS ASSEMI, an individual; and DOES 1
through 100, inclusive,

Defendants.

Case No. 1:24-cv-01261-KES-SAB

**DECLARATION OF PHILLIP J.
CHRISTENSEN OF AGRIGLOBE LLC
IN SUPPORT OF *EX PARTE* MOTION
FOR ORDER APPOINTING
RECEIVER AND FOR PRELIMINARY
INJUNCTION**

Date:
Time:
Dept.:

Action Filed: October 16, 2024
Trial Date: Not Set

DECLARATION OF PHILLIP J. CHRISTENSEN

I, Phillip J. Christensen, under penalty of perjury, make the following declaration in support of Plaintiff Metropolitan Life Insurance Company's ("Plaintiff" or "MetLife") motion for an order for appointment of receiver in this case, and declare as follows:

1. I am informed that I have been nominated by Plaintiff lender to act as Receiver in this matter, with respect to the real property, personal property and other collateral (collectively the "MetLife Receivership Property"), as specifically identified in the proposed order appointing receiver, submitted herewith, which I have reviewed. I am over the age of eighteen years, and if called upon to testify, I could and would competently testify of my own personal knowledge as to the following facts set forth in this declaration.

2. I am the Chief Executive Officer and a principal of Agriglobe LLC ("Agriglobe"), an agricultural management and consulting company with its headquarters in Fresno, California.

3. I have been a principal with Agriglobe for over 30 years. Agriglobe was established in 1992 and is a leading California agricultural asset management company. Agriglobe has extensive experience in the development and management of large and small farms representing practically all of the commodities grown in California including nut and tree fruit orchards, vineyards, kiwi plantations and all types of row crops. My and Agriglobe's experience and knowledge are diverse and gained from many years of challenging environmental and economic conditions that confront California agriculture. A true and correct copy of my CV is attached hereto as **Exhibit 1**.

4. Agriglobe's services are provided in three distinct areas of specialty:

(a) **Farm Asset Management:** Agriglobe has experience managing agricultural assets including through court-appointed receiverships. Agriglobe has the personnel and experience to effectively yield the maximum return from the land and brings together the team of professionals necessary to provide the complete management package.

(b) **Consulting:** Agriglobe provides critical analysis of its clients' existing farms and potential acquisitions and dispositions of assets. This includes performing financial reviews of accounting principles, audits of labor and chemical suppliers and, most importantly, crop

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1 accounting. Agriglobe also provides crop-specific reporting, including recommendations based on
2 markets, soil, climate and available infrastructure.

3 (c) **Real Estate:** As a licensed California real estate broker, Agriglobe
4 represents clients on both the acquisition and disposition of farmland and other agriculturally-
5 related real estate such as wineries, cold storage facilities and warehouses.

6 5. I have previously served as a receiver and managed multiple distressed agribusiness
7 operations in the Central Valley of California including nut orchards (including almonds and
8 pistachios), citrus trees (including lemon and orange groves), and other row crops, to stabilize the
9 assets and preserve the value of the collateral.

10 6. Agriglobe has been engaged by MetLife to oversee, monitor and inspect the MetLife
11 Receivership Property pursuant to a Consulting Agreement with a term commencing on October 1,
12 2024. I have inspected the MetLife Receivership Property, have reviewed existing harvest,
13 maintenance and water records and conducted interviews with Defendant's farm managers. Based
14 on these inspections and discussions there has been significant deferred cultural maintenance of the
15 biological assets on the MetLife Receivership Property and the following actions need to occur or
16 the biological assets on the MetLife Receivership Property will be significantly damaged or
17 destroyed: post-harvest irrigation; post-harvest fertility; post-harvest soil amendments; winter
18 sanitation (removal of any crop remaining on the trees); dormant insecticide spray applications;
19 vertebrate control; pruning; and general repairs and maintenance to the irrigation system and other
20 infrastructure

21 7. I have reviewed the [Proposed] Order Granting Motion for Order Appointing
22 Receiver and for Preliminary Injunction ("Order"). I am fully capable of handling the receivership
23 duties specified in the Order and am willing and able to act as receiver in this matter and will
24 execute the required oath and post a bond, if any, upon my appointment.

25 8. I am familiar with the MetLife Receivership Property and characteristics thereof. I
26 am fully qualified to serve as the receiver over the MetLife Receivership Property in this matter.
27 My and Agriglobe's services are charged at the rate of \$30.00/acre/month for planted acres and
28 \$5.00/acre/month for fallow and tree removal acres.

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1 9. It is my opinion that a receiver's bond in the amount of \$5,000 would be appropriate
2 here based on the property that will be the subject of the receivership estate.

3 10. Insofar as I have been able to ascertain, I am not associated with or employed by
4 any party, attorney for a party, or any other person interested in this action, nor am I related to any
5 judge of the Court and can therefore be appointed as the receiver in this case. I have or will retain
6 separate and independent counsel to represent me in this case if necessary.

7 11. I understand and will act in accord with the specifications for a receiver as set forth
8 under various federal authorities, including, but not limited to, the Federal Rules of Civil Procedure,
9 Rule 66, 12 U.S.C.A. § 2277a-10c, 28 U.S.C.A. § 3103.

10 12. I have no contract, agreement, arrangement, either in writing or otherwise, with the
11 Plaintiff regarding the following:

12 (a) The role of the receiver with respect to the property following a trustee's sale
13 or termination of a receivership, without specific court permission;

14 (b) How the receiver will administer the receivership or how much the receiver
15 will charge for services or pay for services to appropriate or approved third parties hired to provide
16 services;

17 (c) Who the receiver will hire, or seek approval to hire, to perform necessary
18 services; or

19 (d) What capital expenditures will be made on the property.

20 I declare under penalty of perjury under the laws of the State of California that the foregoing
21 is true and correct and that this Declaration was executed this 22nd day of October, 2024, at
22 Fresno, California.

23 

24 _____
Phillip J. Christensen

EXHIBIT 1

PHILLIP J CHRISTENSEN

AGRIGLOBE, LLC
2787 W. Bullard, Suite 106
FRESNO, CA 93711

Phone: 559 276 7490
Fax: 559 276 7493
Mobile: 559 779 1992
e-mail: p.christensen@agriglobe.com

EXPERIENCE

Farm Asset Management

Full-service property management (open ground and permanent crops), including farm assets held during bankruptcy

Development of Permanent Crops

Planning, supervision, and implementation of permanent crop plantings. Project management of large vineyard and citrus developments

Court Appointed Receiver

Tasked with preserving the pistachio orchards, ensuring their continued operation, and addressing financial issues

Project Planning, budgeting, and implementation

Drip and micro sprinkler systems, winery construction projects, land improvements

Real Estate Transactions

Project evaluations, completion, and supervision of real estate transactions

EMPLOYMENT

1992 - Present

Agriglobe, Fresno, CA
CEO, Principal
Farm management and agricultural consulting services
International agribusiness consulting

1989 - 1991

American Agricultural Service California, Inc., Fresno, CA
Vice President, farm manager
Direct management of permanent crops for absentee owners. Agricultural Investment Analysis

EDUCATION

1983 - 1988

California State University, Fresno
Bachelor of Science, Agricultural Business Management

Professional Member: American Society for Enology and Viticulture
American Society for Farm Managers and Rural Appraisers